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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
097300,042	04/27/99	THAGARD	G 3054/8

022440 WM51/1106
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EXAMINER

CHOW, D

ART UNIT	PAPER NUMBER
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2675

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DATE MAILED: 11/06/00

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

Office Action Summary

Application No.
09/300,042

Applicant(s)
Thagard et al.

Examiner
Dennis-Doon Chow

Group Art Unit
2675



☒ Responsive to communication(s) filed on Aug 17, 2000

☒ This action is **FINAL**.

☐ Since this application is in condition for allowance except for formal matters, **prosecution as to the merits is closed** in accordance with the practice under *Ex parte Quayle*, 35 C.D. 11; 453 O.G. 213.

A shortened statutory period for response to this action is set to expire 3 month(s), or thirty days, whichever is longer, from the mailing date of this communication. Failure to respond within the period for response will cause the application to become abandoned. (35 U.S.C. § 133). Extensions of time may be obtained under the provisions of 37 CFR 1.136(a).

Disposition of Claim

☒ Claim(s) ~~1-30~~ 1-2, 4-30 is/are pending in the application.

Of the above, claim(s) _____ is/are withdrawn from consideration.

☐ Claim(s) _____ is/are allowed.

☒ Claim(s) ~~1-30~~ 1-2, 4-30 is/are rejected.

☐ Claim(s) _____ is/are objected to.

☐ Claims _____ are subject to restriction or election requirement.

Application Papers

☐ See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.

☐ The drawing(s) filed on _____ is/are objected to by the Examiner.

☐ The proposed drawing correction, filed on _____ is ☐ approved ☐ disapproved.

☐ The specification is objected to by the Examiner.

☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119

☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).

☐ All ☐ Some* ☒ None of the CERTIFIED copies of the priority documents have been

☐ received.

☐ received in Application No. (Series Code/Serial Number) _____

☐ received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

*Certified copies not received: _____

☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

Attachment(s)

☐ Notice of References Cited, PTO-892

☐ Information Disclosure Statement(s), PTO-1449, Paper No(s). _____

☐ Interview Summary, PTO-413

☐ Notice of Draftsperson's Patent Drawing Review, PTO-948

☐ Notice of Informal Patent Application, PTO-152

— SEE OFFICE ACTION ON THE FOLLOWING PAGES —

Art Unit: 2675

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States, or

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371© of this title before the invention thereof by the applicant for patent.

2. Claims 1-2, 4, 7, 13 and 18- 21 are rejected under 35 U.S.C. 102(e) as being anticipated by Fitch (5,912,653).

Fitch discloses an apparel for a wearer comprising: jacket; an electronic display associated with the jacket; a memory; a control member; selection member; and an input means.

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 5, 6, 8-12, 14-17, 22-27 are rejected under 35 U.S.C. 103(a) as being unpatentable over Fitch.

Art Unit:

The display system of Fitch's invention obviously can be able to generate a static image, dynamic image, a monochromatic image, alphanumeric characters because the display system is a color TV display device.

Fitch further teaches the display system can mounted on any wearable article other than the jacket (col. 5, lines 41-47). Therefore, it would have been obvious to one of ordinary skill in the art to mount Fitch's display system on a vest, cap, tie, suspenders, or belt.

5. Claims 28-29 are rejected under 35 U.S.C. 102(b) as being anticipated by Brucker et al. (4,487,583).

Brucker discloses apparatus for playing a war game comprising: a garment; an electronic display form on the garment; a controller; a gun; and a sensor.

6. Claim 30 is rejected under 35 U.S.C. 103(a) as being unpatentable over Brucker et al..

Brucker further discloses the electronic display is formed from an LED. Since the LED display is form on the garment, it would have been obvious to one of ordinary skill in the art to use a well known LED polymer in Brucker's invention as the electronic display.

7. Applicant's arguments filed August 17, 2000 have been fully considered but they are not persuasive.

Art Unit:

Applicant argues that Fitch does not disclose the use of light emitting polymer to display the images as disclosed and claimed in the present application. Instead, Fitch teaches the use of a rigid LCD.

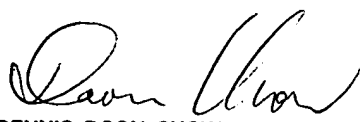
The examiner disagrees with applicant's arguments that the LCD disclosed by Fitch being a rigid LCD. In the abstract of the invention, Fitch clearly teaches the LCD being a flexible LCD. Fitch further teaches using an LED display (col. 4, lines 57-65), as a display device, other than the flexible LCD. Since Fitch teach the use of the flexible display and the use of the LED display other than the LCD, it is clear that Fitch suggests the use of the light emitting polymer as claimed..

Applicant argues that Brucker does not disclose an electronic display for showing one or more images. The examiner disagrees because the images as claimed broadly read on Fitch's plurality of light images,

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Dennis-Doon Chow whose telephone number is (703) 305-4398.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-3900.

D. Chow
AU. ~~2775~~ 2675
June 1, 2000


DENNIS-DOON CHOW
PRIMARY EXAMINER